

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCHLUMBERGER TECHNOLOGY CORP.

And
GENERAL DYNAMICS - ORDNANCE
AND TACTICAL SYSTEMS, INC.,

Defendants and
Third-Party Plaintiffs,

v.

CRANE CO.,
ILLINOIS TOOL WORKS,
OLIN CORPORATION,
SHERWIN-WILLIAMS COMPANY,
MALLINCKRODT US LLC,
GREAT LAKES SYNERGY CORPORATION,
And
PENNZOIL-QUAKER STATE COMPANY,

Third-Party Defendants

3:11-CV-00399 JPG/DGW

NOTICE OF LODGING CONSENT DECREE

Plaintiff, the United States of America, hereby lodges with the court the attached proposed Consent Decree and respectfully states as follows:

1. On May 12, 2011, the United States of America, acting at the request and on behalf of the Administrator of the United States Environmental Protection Agency (“EPA”), and the Secretary of the United States Department of the Interior (“DOI”), filed a Complaint pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. § 9607, against Schlumberger Technology Corp. and General Dynamics Ordnance and Tactical Systems, Inc. (collectively, the “Defendants”).

Defendants subsequently filed counter-claims against DOI, the United States Department of the Army, and the United States Federal Bureau of Prisons (“Counterclaim Defendant Agencies”) and third-party claims against Crane Co., Illinois Tool Works, Olin Corporation, Sherwin-Williams Company, Mallinckrodt US LLC, Great Lakes Synergy Corporation, and Pennzoil-Quaker State Company (the “Third-Party Defendants”).

2. The United States’ Complaint seeks to recover approximately \$9.8 million in unreimbursed costs incurred for response activities undertaken in response to the release and threatened release of hazardous substances from facilities at and near Site 36 of the Miscellaneous Areas Operable Unit (“Site 36”) located at the Sangamo Electric Dump / Crab Orchard National Wildlife Refuge Site near Marion, Illinois. The United States also seeks a declaratory judgment, pursuant to CERCLA Section 113(g)(2), 42 U.S.C. § 9613(g)(2), declaring that the Defendants are liable for any future response costs that the United States may incur in connection with response actions that may be performed at Site 36.

3. The United States, Defendants, and Third-Party Defendants have entered into the attached proposed Consent Decree, which would resolve the claims asserted in the United States’ Complaint, as well as the counter-claims and third-party claims asserted by Defendants. Under the proposed settlement, the United States would pay \$5,621,985 on behalf of the Settling Federal Agencies and the private parties would pay an additional \$4,167,458.

4. At this time, the United States respectfully requests that the Court not approve the proposed Consent Decree. Notice of lodging of the proposed Consent Decree will be published in the Federal Register. For 30 days thereafter, the United States will accept public comments regarding the proposed Consent Decree, in accordance with 28 C.F.R. § 50.7. After the conclusion of the public comment period, the United States will file with the Court any

comments received (as well as responses to the comments) and at that time, if appropriate, will request that the Court approve the proposed Consent Decree.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA

ROBERT G. DREHER
Acting Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

Dated: Jan. 6, 2014

s/Nigel B. Cooney
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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2014, the foregoing document was filed in the Court's CM-ECF case filing system, which distributes an electronic copy of this filing to all counsel of record

s/Nigel B. Cooney
NIGEL B. COONEY
U.S. Department of Justice